

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID GOUVIN,	)	
Plaintiff,	)	
	)	
v.	)	C.A. NO. 15-cv-30066-MAP
	)	
TIMOTHY BRENNAN, MICHAEL	)	
GORSKI, and MARTIN LOUIS,	)	
Defendants.	)	

MEMORANDUM AND ORDER REGARDING  
REPORT AND RECOMMENDATION FOR SUMMARY DISMISSAL  
(Dkt. No. 7)

June 10, 2015

PONSOR, U.S.D.J.

This complaint contains an application to proceed in forma pauperis and was therefore preliminarily screened by Magistrate Judge Katherine A. Robertson pursuant to 28 U.S.C. § 1915(e)(2). On May 21, 2015, Judge Robertson recommended that the application to proceed in forma pauperis be approved, based on Plaintiff's limited resources, but that the complaint be dismissed for lack of subject matter jurisdiction and for failure to state a claim. (Dkt. No. 7.) On June 4, 2015, Plaintiff filed his objection to the dismissal. (Dkt. No. 9.)

Upon de novo review, this court will adopt Judge

Robertson's Report and Recommendation and will dismiss the complaint, both for lack of subject matter jurisdiction and for failure to state a claim. It is important to emphasize that, in making this ruling, the court does not intend in any way to minimize the sincere sense of grievance that Plaintiff appears to feel. The fact of the matter is, however, that federal courts are limited in their powers and that none of the claims offered by Plaintiff in his complaint falls within the umbrella of federal jurisdiction, for the reasons that Judge Robertson's Report and Recommendation points out so scrupulously. Moreover, the form of the complaint fails to comply with either Rule 8 or Rule 10 of the Federal Rules of Civil Procedure and thus fails to state a claim.

It is possible that Plaintiff may be able to redraft his complaint and file it in state court, where there is a better chance that jurisdiction may exist.

For the foregoing reasons, the court hereby ADOPTS Judge Robertson's Report and Recommendation (Dkt. No. 7). Based upon this, the complaint is ordered DISMISSED. This case may now be closed.

It is So Ordered.

A handwritten signature in black ink, reading "Michael A. Ponsor". The signature is written in a cursive style with a large, stylized "M" and "P".

MICHAEL A. PONSOR

U. S. District Judge